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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,044	06/22/2001	Grover Blackwell	NHS-2	6965

7590 11/17/2003

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EXAMINER

RHEE, JANE J

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 11/17/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/888,044

Applicant(s)

BLACKWELL ET AL.

Examiner

Jane J Rhee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable by Taylor (5848505) in view of Ruggles (6014839).

Taylor discloses a face panel made from a synthetic polymer (col. 2 line 45), the face panel including a first vertical end portion and a second vertical end portion (col. 2 line 36-37), a first rear vertical support and a second rear vertical support attached to the face panel (col. 2 line 54), the rear vertical support being spaced apart and extending along the length of the face panel (figure 2 number 16), the first rear vertical support being positioned adjacent to the first vertical end portion and the second rear vertical support being positioned adjacent to the second vertical end portion (figure 2 number 16) and at least one rear horizontal support attached to the face panel (figure 2 number 19) and rear horizontal support extending in between the pair of rear vertical supports (figure 2 number 19), and a first channel member and a second channel member each of the channel members having a u-shaped cross section, the first channel member being placed over the first vertical end portion and the first rear vertical support and the second channel member being placed over the second vertical end

portion and the second rear vertical support (figure 2). Taylor discloses that the face panel is made from an expanded foam polyvinyl chloride (col.2 lines 45-47). Taylor discloses that the first and second rear vertical supports and at least one rear horizontal support are made from an expanded foam polyvinyl chloride (col. 2 line 52). Taylor discloses that the first and second vertical supports are attached to the face panel using an adhesive (col. 2 lines 52-57). Taylor discloses that each of the vertical end portions and the rear vertical supports include indentations and wherein the channel members define raised elements that reside in the indentations (figure 2 number 17). Taylor discloses that the shutter includes at least two rear horizontal supports (col. 4 line 17-18). Taylor discloses a polymer film positioned in between the face panel and the first and the second rear vertical supports and between the face panel and at least one horizontal support (col. 3 lines 19-20). Taylor discloses that the first and second channel members are made from aluminum (col. 3 line 12). Taylor discloses routed out decorative areas (col. 2 lines 49-51). Taylor discloses that the first and second channel members extend the entire length of the face panel (figure 2 number 14). Taylor discloses that the indentations located on the vertical end portions and the rear vertical supports comprise vertical slots and extend the length of the shutter, and wherein the raised elements defined by the channel members also extend the length of the shutter (figure 2 number 17).

Taylor fails to disclose that the channel members being made from a metal. Ruggles teaches that the channel members may be constructed from any suitable material or combination of materials, including but not limited to wood, metal, plastics,

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ceramics, and combinations thereof (col. 6 lines 10-14), therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Taylor with the channel members being made from a metal, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of design choice. In re Leshin, 125 USPQ 416.

Taylor fail to disclose that the face panel is coated with a lacquer coating. Taylor teaches repainting of the shutters periodically during the life of the shutter to prolong the lifespan of the shutter (col. 5 lines 21).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide the face panel with a coating of lacquer to prolong the lifespan of the shutter as taught by Taylor. (col. 5 line 21).

Response to Arguments

2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane J Rhee whose telephone number is 703-605-4959. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone numbers for


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the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Jane Rhee
November 4, 2003



HAROLD PYON
SUPERVISORY PATENT EXAMINER
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